

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **FEB 10 2014** ★

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RASHEKE BOYD,

Petitioner,

– against –

PATRICK GRIFFIN, SUPERINTENDENT
SOUTHPORT CORRECTIONAL FACILITY
Respondent.
-----X

LONG ISLAND OFFICE

ORDER
11-CV-324 (JFB)

JOSEPH F. BIANCO, District Judge:

Petitioner Rasheke Boyd seeks a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254, dated January 18, 2011. On May 7, 2012, this Court ordered petitioner to raise his ineffective assistance of appellate counsel claim in state court. By letter dated December 9, 2013, petitioner requested a status update, stating that he informed the Court that he had exhausted the ineffective assistance of trial and appellate counsel issue in state court and had submitted the relevant record to this Court on March 18, 2013. By order dated January 2, 2014, the Court informed petitioner that there was no record that the Court received any information from petitioner in March 2013. Petitioner submitted the state court record on January 23, 2014.

The Court has reviewed the state court record and notes that the motion for writ of error coram nobis was denied by the Appellate Division. Accordingly, IT IS HEREBY ORDERED that:

(1) respondent shall file a supplemental opposition, if desired, within thirty (30) days from the date of this Order, addressing the petition for writ of habeas corpus on the grounds of ineffective assistance of appellate counsel, and serve a copy on petitioner and file the original with proof of

service with the Clerk of this Court; and

(2) petitioner shall file his supplemental reply, if any, with the Clerk of this Court within twenty (20) days of receipt of him by the supplemental opposition.

SO ORDERED.

~~JOSEPH F. BIANCO~~
UNITED STATES DISTRICT JUDGE

Dated: February 10, 2014
Central Islip, NY